

Minutes of Land Use, Parks and Environment Committee
Tuesday, April 19, 2011

Vice-Chair Walter Kolb called the meeting to order at 8:30 a.m.

Committee Members Present: Supervisors Walter Kolb, Rob Hutton, James Jeskewitz, Ted Rolfs, Tom Schellinger. **Absent:** Supervisors Fritz Ruf (Chair), Michael Inda

Also Present: Legislative Policy Advisor Sarah Spaeth, Legislative Associate Karen Phillips, Planning and Zoning Manager Jason Fruth, Enterprise Operations Manager Andrew Thelke, Expo Center Manager Teri Adlam, Parks and Land Use Director Dale Shaver, Land Information Systems Manager Don Dittmar, Supervisor Dave Swan, Senior Financial Analyst Clara Daniels, Craig Raddatz of Fiduciary Real Estate Development, Jim Renn, President of the Fair Association Board; Shari Black, Executive Director of Waukesha County Fair Association

Approve Minutes of March 15, 2011

MOTION: Jeskewitz moved, second by Hutton, to approve the minutes of March 15, 2011. Motion carried 5-0.

Executive Committee Report of April 18, 2011

Kolb stated he attended the public hearing that was conducted by the Executive Committee regarding the Waukesha County supervisory district plan.

Spaeth summarized the agenda items discussed, including approval of five ordinances and six appointments, the *Capital Projects Cost Performance Report*, and the *Proposed Stated Budget Fiscal Impact Comparison: State Estimates and Waukesha County Estimates*.

Future Meeting Date

- May 17, 2011

Ordinance 166-O-001: Year 2011 Approval Of Amendment To The Comprehensive Development Plan For Waukesha County (1A – Town Of Brookfield Plan Commission And Town Board, Section 31, Town Of Brookfield)

Fruth stated there were four requests for amendments to the Comprehensive Development Plan this year. A public hearing was conducted in February on those four requests. One of the requests was left open for more information because of the undetermined route of the Waukesha West bypass, which may affect the property (potential Walgreens location). Also not advancing was the Farmland Plan, which will be delayed until comments regarding the draft plan are received from the Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP).

This ordinance pertains to one request which was made by the Town of Brookfield to amend the current land use designation for the Pleasant Hill School property from the Government and Institutional category to the Mixed Use category. No specific re-development plan has been presented to date. The school closed in 2010 and the building has remained vacant. Fruth described the location of the 10-acre property, which abuts Barker Road and is south of the I-94 ramp along the west side of Barker Road. The surrounding areas include single-family residential use, condominium developments and a business park/office complex. The Town noted that because the County amendment plan process is lengthy and done only once a year, it took a proactive approach in changing the future use designation to accommodate possible redevelopment of the property. The zoning code would remain the same (I-1 Institutional) under the Town code, so any proposed re-development or reuse for the site outside of other school/institutional purposes would require rezone approval by the Town and the

County. The approval of this request is subject to the condition that residential, institutional, commercial and office uses shall be the only uses permitted for this property, and any redevelopment proposal must contain buffering provisions for adjacent residential uses subject to the Town's approval. The Park and Planning Commission took action on March 3, 2011, and unanimously recommended approval as conditioned.

Hutton indicated he heard that Heritage Christian School is now or would soon be occupying the building on this site. Fruth stated he was not aware of any present or future use for the building and could not confirm that information; however, the proposed Mixed Use category would still allow for a school to utilize the building.

MOTION: Jeskewitz moved, second by Hutton, to approve Ordinance 166-O-001. Motion carried 5-0.

Ordinance 166-O-002: Year 2011 Approval Of Amendment To The Comprehensive Development Plan For Waukesha County (2A – Fred-Lathers, LLC./Fiduciary Real Estate Development Inc., Sections 29, 31 And 32, Town Of Waukesha)

Fruth stated this ordinance requests an amendment to the Comprehensive Development Plan pertaining to the land use designation for the Fred Lathers property in the Town of Waukesha. The amendment would change the existing land use category of Rural Density and Other Agricultural Land, Primary Environmental Corridor and Other Open Lands to be Preserved categories to the proposed Suburban 1 Density Residential and Primary Environmental Corridor categories. The property was an approximately 300-acre farm that was divided. The DNR has acquired about 190 wetland and upland acres to expand its Vernon Marsh holdings. The City of Waukesha has interest in a 13-acre parcel for a potential long-term well site. The approximately 95 acres remaining is the subject of this amendment request.

Fruth pointed out the location of the subject property on an aerial photograph and described the surrounding areas including floodplain, floodway and wetland areas and the topography of the site. The property contains frontage on either side of the Fox River and is located both east and west of River Road (CTH I). A conceptual plan was submitted but the developer has clearly stated this is a concept-only plan. Due to the slow economy, the developer anticipates holding this acreage for a number of years. The preliminary concept plan depicts a conservation design single-family residential subdivision, with the acreage along the Fox River proposed to be dedicated to the County for greenway purposes. Density calculations were further reviewed. No zoning change is being requested at this time.

The Park and Planning Commission took action on March 3, 2011, and unanimously recommended approval as conditioned. Planning and Zoning staff also recommend the request be approved subject to the conditions as outlined in the ordinance.

Rolfs asked if there were any areas in the vicinity of the subject property that are zoned/planned similarly. Fruth stated not in the immediate vicinity, but pointed out the more intense developments in the City and Town of Waukesha subdivisions to the north and east. He noted that generally, the southwest part of the Town is still in the rural density category; however, there is a mix of density areas depending on the direction.

Kolb, while acknowledging that the subdivision plan is only conceptual, stated he foresees an issue with the number of proposed driveways along CTH I. Fruth stated that issue was discussed with the developer and the Department of Public Works, and it is understood that part of the plan needs work.

Rolfs opined this proposed plan is too premature and inconsistent with the existing plans and zoning in surrounding areas; therefore, he would not support it.

MOTION: Schellinger moved, second by Jeskewitz, to approve Ordinance 166-O-002.
Motion carried 4-1 (Rolfs).

Ordinance 166-O-003: Adopt Three Year Agreement Between Waukesha County And The Waukesha County Fair Association For Holding The Waukesha County Fair At The Waukesha County Exposition Center For The Years 2011 Through 2013

Thelke, Shaver and Adlam were present to discuss this ordinance which terminates the existing lease agreement and approves a new three-year agreement (2011 through 2013) between Waukesha County and the Waukesha County Fair Association for use of the Waukesha County Exposition Center facility and grounds to operate the County Fair.

Thelke distributed and reviewed a handout titled *Year 2011-2013 Fair Association Contract Summary*. The fair is the cornerstone of the Waukesha County Exposition Center's summer schedule, acting as a showcase for the venue. It provides the volume of food and beverage sales that make bidding on the concessionaire contracts competitive. This ordinance dissolves the final two years of the existing contract, which included anticipated rent payments of \$89,000 in 2011 and \$91,500 in 2012. The Fair Association requested renegotiation primarily due to financial pressures resulting from severe weather and flooding impacting 2010 revenues. The negotiated agreement provides for lower base rent payments and will help the Fair improve its financial reserves. The contract is structured with base rent payments of \$35,000 in 2011, \$40,000 in 2012, and \$45,000 in 2013. The contract also includes a 15% share of the Fair's food and beverage commission which is expected to generate an additional \$13,000-\$14,000 a year, and would fulfill the 2010 owed back rent amount of \$41,300.

Kolb asked how much the Fair lost in 2010. Thelke stated the Fair lost \$192,000 last year.

Thelke further explained although the Exposition Center lease revenues are reduced, the Fair Board has agreed to help offset this loss by working to reduce the County's cost to prepare the buildings and grounds for the Fair. The contract provides for a \$10,000 reduction in the County's operating cost through a variety of ways, including the following: provide more volunteer labor for removal of Fair animal waste; assume more responsibility for handling their picnic tents and general cleaning of the grounds during and after the event. Finding additional cost saving measures will be a priority over the course of the three-year period. Leveraging donations and sponsorships would allow them to assume more responsibilities for fencing the grounds and maintaining the animal show rings. These changes would be implemented over the term of the three-year contract.

Shaver discussed the numerous challenges faced by events such as county fairs during changes in the economic climate. Weather is a major unpredictable factor affecting the success of the events. Safeguards such insurance are available, but certain policy terms can make it difficult to collect on a claim. Adler stated that despite the slow economy, the Fair has managed to retain their sponsorships and continually works hard to gain more. She credited Shari Black for her years of excellent work as the Executive Director of the Waukesha County Fair Association, whereby Kolb agreed.

Shaver noted that Supervisor Swan had contacted him regarding the monitoring of carry-ins onto the fairgrounds during the County Fair in effort to increase food and beverage sales. It is already done for other events at the Expo. Adlam stated the stepped-up monitoring would not be initiated this year, but

would begin with year two of the contract. As stated in the revised version of page 12 of the contract agreement, "The Association shall provide security and fencing to eliminate the carry-in of food and beverages for general admission fair attendees starting with the 2012 Fair." Schellinger and Rolfs questioned why some monitoring efforts would not begin immediately with this year's County Fair. Adlam explained additional equipment would need to be purchased or rented - it would require greater preparation, and the costs for additional security, fencing and new layout are expensive and would require more time to plan. However, signs will be posted and the Fair brochures will state that no carry-ins are allowed.

MOTION: Jeskewitz moved, second by Schellinger, to approve Ordinance 166-O-003.
Motion carried 5-0.

Ordinance 166-O-005: Modify Capital Project 201119 To Add 2011 Revenue And Expenditures For The Light Detection And Ranging (LIDAR) Data Collection Portion Of The Project

Dittmar was present to discuss this ordinance which approves the acceptance and appropriation of grant funds to complete the surface model data collection portion of the capital project for floodplain mapping. He explained the use of Light Detection and Ranging (LIDAR) technology in providing data that can be used to refine the existing maps of areas subject to flooding and monitor changes in floodplain elevations. The LIDAR data provides a computer simulated model of the earth's surface. The County applied for a State grant in 2009 for funding to use in acquiring LIDAR data, but was not awarded the grant at that time. It was recently announced that grant money was still available, and now funding in the amount of \$204,520 has been awarded to Waukesha County. In order to take advantage of this grant, the expenditures for the LIDAR portion of the capital project would be advanced from 2015 to 2011. The data collected in 2011 would provide the base data for the anticipated Orthophotography portion of this project in 2015.

MOTION: Schellinger moved, Jeskewitz second, to approve Ordinance 166-O-005.
Motion carried 5-0.

MOTION: Jeskewitz moved, second by Rolfs, to adjourn at 9:21 a.m. Motion carried 5-0.

Respectfully submitted,

Jim Jeskewitz,
Secretary